

Group VI: Claim 36, drawn to a method of increasing the salt tolerance of a plant comprising enhancing the expression of the SOS2 gene; and

Group VII: Claims 37-42, drawn to an isolated polypeptide of SEQ ID NO: 2.

Applicants elect, with traverse, Group I, Claims 1-22 and 32-35, for further prosecution.

Applicants note that claims of Group II-V directly depend on Group I, and as such can not be separated.

The Office has characterized the inventions of Groups I-VII as unrelated. However, the Office has not provided sufficient reasons and/or examples to support this assertion. The Office has merely stated the conclusion. In fact, Applicants note that claims of Group II-V directly depend on Group I, and as such can not be separated. Accordingly, the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Accordingly, Applicants respectfully submit that the Restriction Requirement should be withdrawn.

Applicants respectfully traverse on the additional grounds that the Office has not shown that a burden exists in searching the entire application.

Further, MPEP §803 states as follows:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.

Applicants submit that a search of all claims would not constitute a serious burden on the Office, particularly in view of the fact that Groups I and VI and Groups II and III are classified in the same subclasses (class 800, subclass 290 and class 435, subclass 6, respectively).

For the reasons set forth above, Applicants contend that the Restriction Requirement is improper and should be withdrawn.

Additionally, MPEP §821.04 states:

...if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim *will* be rejoined.

Applicants respectfully submit that should the elected group be found allowable, non-elected process claims should be rejoined.

Applicants further submit that this application is now in condition for examination on the merits and an early notification to that effect is earnestly solicited.

Respectfully submitted,

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